

Application No. 10/810,370

REMARKS

Claims 1 to 19 are pending in the application. The claims have been subjected to a restriction requirement and claims 2, 15, 16, and 19 have been withdrawn from consideration. Claims 1, 3 to 14, 17, and 18 stand rejected under 35 U.S.C. §112, second paragraph as being Indefinite for failing particularly to point out and distinctly to claim the subject matter that Applicants regard as the invention. Claims 1, 3 to 11, and 18 stand rejected under 35 U.S.C. §112, first paragraph for lack of enablement for embodiments encompassed in claims 1 and 18 wherein Z and Y are OR₁ or SR₁.

With respect to the rejection under §112, second paragraph, the Examiner has stated that recitation of the transitional term "including" in the definition of substituents in claims 1 and 18 renders these terms indefinite since the term is open-ended and can embrace additional substituents not positively recited therein. Applicants are of the position that the present claim language is adequate to satisfy the definiteness requirements of §112, second paragraph. Nevertheless, to facilitate prosecution, Applicants have amended the claims as indicated to replace the term "including" with other language. These amendments do not affect the claim scope, and Applicants believe that these amendments place the claims in condition for allowance with respect to this ground for rejection.

Regarding the rejection of claims 1, 3 to 14, 17, and 18 under §112, first paragraph, in response to Applicants' position as set forth in the previous Amendment, the Examiner has stated that claim 18 is drawn to a process of reacting a cyanuric halide with a compound of

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the formula shown in claim 18 and then with one or more amines of the formulae NR_1R_2 and NR_3R_4 ; the Examiner is of the position that the specification is not adequately enabled as to how to make compounds of the formulae shown in claim 1 using the process of claim 18 to arrive at compounds wherein Z and Y are OR_1 and SR_1 . The Examiner has further stated that the issue is not whether one trained in the art would be able to do a simple nucleophilic displacement of halide groups of cyanuric halide with various nucleophiles including OR_1 and SR_1 , but rather that the issue is how one would, by reacting cyanuric halide with one or more amines of the formulae NR_1R_2 and NR_3R_4 , arrive at compounds with Z and Y as OR_1 and SR_1 , and has stated that claim 18 appears to embrace such a process.


With this clarification, Applicants now understand this rejection, and have amended claim 18 to read only on processes for preparing compounds wherein Z and Y are $-\text{NR}_1\text{R}_2$ and $-\text{NR}_3\text{R}_4$, respectively. Applicants believe that this amendment places this claim in condition for allowance. Applicants, however, are of the position that the specification remains enabling for compounds as recited in claim 1, and continue to traverse the rejection of claim 1 and the claims dependent thereon for the reasons set forth in the previous Amendment. Since the Examiner has stated that the issue is solely whether one of skill in the art could arrive at these compounds by reacting cyanuric halide with an amine, Applicants respectfully request reconsideration and withdrawal of this ground for rejection with respect to claims 1, 3 to 14, and 17.

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Applicants believe that the foregoing amendments and distinctions place the claims in condition for allowance, and accordingly respectfully request reconsideration and withdrawal of all grounds for rejection.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Applicant(s) attorney, Judith L. Byorick, at Telephone Number (585) 423-4564, Rochester, New York.

Respectfully submitted,


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